

## REMARKS

Claims 8, 9 and 11-14 remain pending in the application. Reconsideration of the application is respectfully requested.

Claims 8, 9 and 11-14 were rejected under 35 U.S.C. § 103(a) as obvious over Adams et al (6,099,497) in view of Webster et al (WO 00/27463). It is respectfully submitted that the two references teach two very different methods of treating a bifurcation and that no combination thereof would yield the present invention as claimed. More particularly, the primary reference teaches a method for expanding a bifurcated stent so as to appose the walls of the main vessel as well as the branch vessels while the secondary reference teaches a method for expanding a stent that avoids contact with the branch vessel opening. As such, described devices and methods of the two references do not lend themselves to being combined so as to practice the claimed method wherein it would be necessary to modify both the described devices as well as the methods that are taught in order to arrive at the present invention.

The Examiner asserts, *inter alia*, that the primary reference discloses a method for treating a bifurcation by providing a stent surrounding a pair of balloons, wherein the balloons "can" be of different length. While Figure 17 that is specifically relied upon by the Examiner does show balloons of different size, their orientation relative to one another comprises the exact opposite of what is required for practicing the claimed method. The claims unequivocally call for the two balloons to be positioned side-by-side adjacent the stent's **distal end** while the reference teaches the balloons to be positioned side-by-side at their proximal ends. Simply positioning the stent so as not to extend distally beyond the opening as per the secondary reference and inflating the unequal length balloons arranged at the proximal end of the stent would result in an over-expansion in the main vessel and an under-expansion in the opening of the branch vessel. Moreover, the primary reference at col. 5, lines 49-59 specifically teaches positioning the stent so as to engage the inner periphery of the lumen walls of both branch vessels. This therefore **teaches directly away** from the present invention and would preclude a

combination with the teaching of the secondary reference. Moreover, the secondary reference teaches the positioning of a stent that is devoid of structure that is even capable of being expanded so as to "appose and contact the opening of the side branch vessel" by virtue of its angled apertures. Consequently, it would not be reasonable to combine the teaching of a method for placing a stent that avoids contact with the opening of a branch vessel with method for placing a stent so as to contact the opening of a branch vessel. The combination of these two reference is therefore substantially incongruous to the extent that the secondary reference directly contradicts the teaching of the primary reference with regard to stent placement while neither structure would be capable of properly supporting the main vessel and the opening of the side branch vessel if positioned as per the secondary reference. It is therefore respectfully submitted that a combination of these references is in fact not only contraindicated but that their combination would not yield the present invention as claimed, and that therefore, obviousness is effectively avoided.

In light of the above remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

Please charge Deposit Account No. 06-2425 for any additional fees in connection with this amendment.

Respectfully submitted,  
FULWIDER PATTON LLP

/Gunther O. Hanke/  
Gunther O. Hanke  
Registration No. 32,989

GOH/lm